

## WEISGERBER MADE SACRIFICES FOR U. S.

Major Tells of Accused Captain's Labors to Produce Needed Chemicals.

### BIG AID TO SIGNAL CORPS

Metol Obtained by His Efforts—Pro-German Charge Not Upheld.

The end of the Government's case against Capt. Edwin G. Weisgerber, who is under trial by general court-martial at Governors Island, was reached during yesterday's morning session without having brought out any substantial evidence to sustain the charges that the accused officer was working in the interest of Germany.

A number of witnesses for the defense called later in the day were unanimous in their testimony that Capt. Weisgerber had not only performed his regular duties with fidelity and ability, but that he had gone beyond what was demanded of him and aided not only other branches of the War Department, but also the navy by producing chemicals which were unobtainable through other sources. In fact some of the witnesses gave the impression that the accused Captain was little short of a wizard in his ability to produce a supply of any chemical in an amazingly short time.

Cross examination by the Judge Advocate failed to bring out anything detrimental to the prisoner's case, except in the single instance when Major Oliver B. Zimmerman, who was Capt. Weisgerber's immediate superior during most of the latter's service, said that he had given out a statement in regard to a synthetic fuel invented by the captain without proper sanction from the War Department. Major Zimmerman testified, however, that he and Capt. Weisgerber had the sanction of their commander in the matter.

Major Zimmerman further testified that Capt. Weisgerber had gone over all the patents granted for gasoline substitutes and had 28 or 29 compounds which were successful under various tests in hydroplanes, motor cars and motor vehicles. Some of them, he said, gave greater efficiency than commercial gasoline and their cost varied from 9 to 50 cents a gallon.

Capt. Weisgerber, according to the same witness, took out thirteen patents for such substances, giving the Government royalty rights in each instance and eleven patents on various colored smokes which were adopted by the navy. He gave the reason that the accused had assisted the Medical Department of the Army in producing several medical chemicals, and had been of great assistance to the photographic section of the Signal Corps in devising a means of reproducing metal, a chemical used in development work and at that time unobtainable in this country even at a price of \$140 a pound.

This testimony in regard to the production of metal was confirmed in part by the proceedings by Capt. C. L. Harrod and Capt. Charles L. Ruth, both of the Signal Corps, who had cognizance of the question.

Major Zimmerman denied it was possible for Capt. Weisgerber to have influenced the adoption of a standard pipe coupling for oxygen and acetylene tanks for the reason that the accused had never been a member of the committee in charge of standardization of such articles after the work was begun.

**LIBRARY LOSES \$100,000.**  
Washington Heights Institution's Merger Costs It Request.

Because the Washington Heights Library transferred its property and surrendered its charter to the New York Public Library it loses a bequest of \$100,000 made to it by James Hood Wright, who died in 1894. Wright left considerable of his wealth to various charities and public institutions, among them the Washington Heights Library, to which he bequeathed the income of a trust fund of \$100,000. With the surrender of the charter to the New York Public Library the latter institution sought to hold the bequest, but the Court of Appeals decided that the money reverts to the heirs.

Acting on this decision William H. Wingate of 233 Broadway yesterday petitioned Surrogate Colahan on behalf of the State Controller to appoint an appraiser to appraise the legacy for the payment of the State transfer tax. The bequest to the library would be exempt from taxation.

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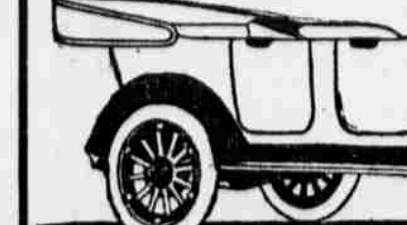
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## THOMPSON FIGHTS TO ENACT DRY BILL

Primary Repeal and City Ownership Measures Shelved.

Special Despatch to THE SUN.  
ALBANY, March 27.—Senator George F. Thompson of Niagara served notice upon the Senate to-day that the prohibition bill will not be permitted to die in the present Legislature without a fight.

Hints have been numerous that if it could be accomplished at all the Legislature would adjourn without voting on any of the enforcement measures which followed ratification of the Federal amendment. In line with this programme the Assembly Judicial Committee completed its work without reporting any of the enforcement bills.

The same committee failed also to report out bills that would restore the jury State convention system for nominating State and judicial officers; the bill providing optional municipal ownership and the health insurance measure. A surprise was sprung in connection with the favorable reporting out of the committee of the Martin bill, giving public service commissions power to grant trolley fare increases regardless of local franchise agreements. Previously the committee had decided to turn the bill over to the Rules Committee.

### WOMEN IN PLEA FOR BILLS.

Programme Doomed by Action of Labor Committee.

Special Despatch to THE SUN.  
ALBANY, March 27.—The women's joint legislative conference is resorting to an appeal by letter to all the legislators to save its programme of bills, which includes the eight-hour day for women, factory protection to office workers, compulsory health insurance, minimum wages for women and minors and stringent regulation for the employment of women in transportation service.

These bills are considered dead, for the Labor and Industries Committee and the Judiciary Committee of the Assembly have ended their labors without reporting them.

Assemblyman Caulfield of Brooklyn made an effort to-day to bring the women's transportation bill before the Assembly for a vote by moving to discharge the Labor and Industries Committee from further consideration of it. His motion was defeated.

The Assembly did pass the sixth bill, that requiring women elevator operators to be at least twenty-one years old, prohibiting them from working between the hours of 10 at night and 6 in the morning and requiring seats for them in the elevators they operate.

### \$60,000,000 BILL IS SENT TO GOV. SMITH

His Action on Measure May Have Political Effect.

Special Despatch to THE SUN.  
ALBANY, March 27.—The departmental appropriation bill, with a total of nearly \$60,000,000, was passed today by the Senate and sent to Gov. Smith for approval. He must act on it within ten days or it becomes a law automatically.

Admiral Frederic D. Billard, who asked why twenty or thirty millions of dollars could not be cut from the bill, but when Senator Henry M. Sage, chairman of the Finance Committee, asked him to suggest just what he would cut out he said he had not had time to look it over.

Senator Sage thereupon pointed out that the bill has been in its final printed form since March 12 and that Senator James A. Foley, the Democratic leader, had designated Senator Boylan to sit with the Finance Committee during the budget-making period.

The Governor has the power to veto any of the items in the bill, and his action will be awaited with interest, because of the political effect that would result from slacking the measure to any extent.

### FRANCE FORMS NEW BOARD.

Another Organization to Take Over Work of High Commission.

Although it is a fact that the organization known as the French High Commission is about to go out of existence, it is, however, to be replaced by a new and an equally official organization, which will have as its chief function the execution of French Government contracts as yet incomplete and the settlement of accounts still due on contracts already closed. This new organization, it was announced yesterday, will maintain all of the departments of the French High Commission, which at the present time covers four floors of the American Express Building.

The question of giving notice to its employees in the near future has not even been under discussion.

## COPYRIGHT STIRS CREEL'S PROTESTS

Notes Used by Chicago Paper Obtained by U. S. Representative, He Says.

### TOLD OF GERMAN PLOTS

Property of Government and Not Subject to Private Rule, Is Claim.

Publication of the correspondence of Count Caserin as copyrighted matter by the Chicago Daily News and other newspapers was the subject yesterday of a protest on the part of George Creel, late chairman of the Committee on Public Information. The letters, which form most of the private correspondence of the Austrian Minister during a period of some thirteen years prior to 1918 and contain a number of revelations regarding the relations between Austria and Germany prior to the war, were turned over to Edgar Sisson, official representative at Prague of the Committee on Public Information, on January 24, 1919, and the translation, Mr. Creel claims, is the property of the United States Government and not susceptible to copyright. They were to have been issued by the committee as its final contribution to the fact of the war.

Extracts from the letters have been cabled to the Chicago Daily News by A. R. Decker, their correspondent at Prague.

The circumstances under which Mr. Decker has secured a copy of the translation, Mr. Creel stated, "are unknown to me, and without such knowledge it is not intended to pass any criticism on him, much less on the Chicago Daily News, which is merely the recipient of news from its representative. The newspapers which are taking the service of the Chicago Daily News are also performing their natural function of buying news that they desire. But this does not change the situation that the matter itself is not a copyright news commodity."

The letters reveal, according to Mr. Creel, there was a German conspiracy against Archduke Franz Ferdinand, the Austrian heir apparent, who was at work on a policy of building up a strong Austria, which would eventually encircle itself from Berlin. This would have blocked German ambitions toward the east, and accordingly the Berlin Government came to an understanding with Budapest, and Prince Eitel Fritz was selected to study the Magyar language and make friends with the Magyar nobility in order to wean Hungary away from the Dual Empire.

There are some interesting details of a conversation between Count Caserin and Emperor William at Kiel in 1906, when the Emperor said: "All Europe must unite economically against America." There is an account too of the death of the German General, Count Huelzen Haeseler in Donauwuechingen, where the German Emperor and Prince Archduke Franz Ferdinand and Austrian and German diplomats.

### ASKS MITCHELL SHAFT SITE.

Committee Wants Memorial Placed in Central Park.

The committee organized to erect a memorial to John Purroy Mitchell, formerly Mayor, has requested the Board of Estimate to approve the conversion of the lower Central Park reservoir into a place of public recreation in which a monument to Mayor Mitchell can be placed. The request, sent by Cleveland H. Dodge, chairman of the Mitchell Memorial Committee, and Robert Adams, son will be referred to the Committee on Finance and Budget of the Board of Estimate.

It is estimated that the work will cost about \$300,000, which the committee will undertake to raise by popular subscription. The memorial when completed will be turned over to the city of New York as a gift.

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## O'LEARY, FREE, ENDS HIS IRISH AGITATING

Released on \$10,000 Bond, He Probably Will Not Have to Stand Trial Again.

### LOST ALL FIGHTING CASES

Others Accused With Native American Will Have to Face Federal Juries.

That section of the espionage law which prescribed that a person accused under it shall be a prisoner of the United States until acquitted or hanged ceased to operate for Jeremiah A. O'Leary yesterday. O'Leary walked from the Federal Building into Park Row without the attendance of two of Marshal McCarthy's boldest deputies for the first time in nine months. Behind him O'Leary left security for bail in \$10,000 and three indictments. One indictment grew out of the publication of the "Bull" and another of conspiring with alleged German spies against his country. On the latter indictment he had been held to be not bailable. The third indictment, relatively insignificant, charged conspiracy to commit treason.

Judge John C. Knox signed the order admitting O'Leary to bail. Ben A. Matthews, Assistant United States Attorney, consented to the application, which was presented by Thomas B. Felder, O'Leary's counsel.

O'Leary, who had been brought from the Tombs prison, was joined in the court room by his wife. When the order had been signed he crossed behind the lawyer's table to where his wife was sitting and kissed her. The two left the building together.

### Jubilant Is Absent.

O'Leary showed no jubilation. Neatly dressed, as always, and carrying a new spring overcoat on his arm, he stood in the same place before the bench where he stood on June 19 a year ago and heard the clerk read two long indictments charging him with the most serious of crimes a man can commit in time of war. He smiled a little a year ago as if he viewed the charges lightly, but his hands trembled as he held a copy of the indictments. Yesterday he was no smile on his lips as he listened to the formalities that meant freedom for him and probably his last appearance in court as a co-defendant with Herman Weiss, Marie Madeleine Victoria and other alleged spies and conspirators.

"I am through with Irish propaganda," O'Leary told reporters. "I am going to take a rest and then I shall return to the law."

Mr. Matthews would not say that the acceptance of bail in the face of an indictment theoretically non-bailable made it a fair conclusion that the Government did not intend to prosecute O'Leary further.

The jury that tried the "Bull" indictment disagreed Sunday after being out fifty hours. The vote was 5 to 4 for the defendant. All of the eight counts but one were thrown out of the discussion.

### Others Under New Indictments.

Several of the defendants accused with O'Leary on the more serious espionage law indictment have been indicted charged with straight treason. The fact that O'Leary was not reindicted has led to the conclusion that the evidence against him did not justify it and that he will never be retried.

Much that appeared clear against O'Leary in the indictments was clouded up in the record of nine weeks of controversy that constituted the trial of the "Bull" indictment. But some things that O'Leary has done are not questioned. He fled from the "Bull" indictment on the eve of trial.

His flight, his long imprisonment and his trial brought him to penury. He lost the house in which he lived in Larch Terrace, Washington Heights. His wife and three children have been living with his parents in a flat on the upper West Side. His brother, John, lost \$20,000 in defending himself against a charge of

conspiring to defeat justice growing out of the flight to the West. O'Leary's aged father, Daniel O'Leary, once a Labor Commissioner of the State of New York, has spent thousands of dollars in meeting the expenditures caused by the accusations against Jeremiah.

The Government has spent several hundred thousand dollars in the investigations and prosecutions in which O'Leary has figured. The cost of the unsuccessful "Bull" trial was \$40,000.

O'Leary and both of his parents were born in this country. His wife is a sister of Grover Whalen, Mayor Hyland's secretary. Jeremiah has four children, one of whom was born after his arrest in the West.

Two Brooklyn women went on O'Leary's bail bond. Mrs. Julia C. Jones, wife of a lawyer of 47 Pierrepont street, and Mrs. Cecelia K. O'Rourke, wife of Major M. F. O'Rourke of 426 Sixty-seventh street. Both qualified as the owners of real property with large equities.

Albert Paul Fricke, naturalized German indicted with O'Leary and reindicted with treason, will be placed on trial Monday. John T. Ryan, a Buffalo lawyer who fled when O'Leary did last spring, has never been arrested. He was one of the defendants to be reindicted charge with treason.

### PERSHING MEMORIAL SEEMS TO BE DOOMED

Board of Estimate Committee Reports Unfavorably.

On the ground that the rapid transit act does not permit and that the money to be received from the sale of the property is needed for the acquisition of other real estate for transit purposes, the Board of Estimate will consider to-day the report of its committee on finance and budget disapproving the suggestion that the site of the old Grand Union Hotel at Forty-second street and Park avenue be turned over to the Park Department to be improved as a memorial to Gen. Pershing.

"While the designation of this plot of ground as a public park to be named in honor of Gen. Pershing," the report states, "is a fitting and proper thing to do, no provision of the rapid transit act has been indicated which would permit of any such use of the property, and further, the use of the property for such purposes does not appear to be justified in view of the loss of taxes resulting therefrom."

The property was purchased to get the easements for the Lexington avenue subway. The foundations of the subway were so constructed as to permit the erection of a twenty-five story building on the site, which already has been put up for public bids.

William H. Page will head a delegation of representatives of a number of associations to urge the adoption of the memorial park idea before the board. Among them are the Merchants Association, the Professional Women's League, the Rainy Day Club, the New York City Federation of Women's Clubs, the Murray Hill Taxpayers Association and the Harlem Patriotic League.

### Ex-Officer Killed by Fall.

Dr. Stewart Mackenzie, 40, a former officer of the Canadian army, retained consciousness after falling four stories from a window of an apartment in 112 West Forty-fifth street yesterday and insisted he was not seriously hurt. He asked the police not to notify his relatives. On the way to the hospital he talked freely, explaining his fall was due to his getting out of bed hastily to get more fresh air. He had been living in this city since his discharge five weeks ago, he said. Shortly after arriving at Bellevue he died. His brother, Alexander, lives in Toronto.

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